IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.384 OF 2007
IN
CRIMINAL APPLICATION NO.2109 OF 2007

The State of Maharashtra .... Applicant
Vs.
Bandu Dattatraya Doke & Anr. .... Respondents

Shri F.R. Shaikh, APP, for the Applicant.

None present for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
A.A. SAYED, JJ.

DATED: NOVEMBER 19, 2007

P.C:

Heard the learned APP for the applicant. This is an application for condonation of delay in filing the application for leave to appeal against the judgment dated 12-1-2007 passed in Sessions Case No.85 of 2006 by the learned Sessions Judge, Pandharpur. Apart from the fact that we are not at all satisfied about the cause alleged for the delay in filing the application, even on merits there is no substance in the application for leave to appeal. The learned Sessions Judge, after taking into consideration the entire evidence on record, has held that the prosecution had failed to make out any case against the respondents herein while convicting the accused No.1 in the said sessions case. The analysis of the evidence, as disclosed from the impugned judgment, does not disclose any impropriety on the part of the

learned Judge in assessing the evidence and, in fact, it discloses that the learned Judge has taken into consideration all the materials on record and analysed them in proper perspective while arriving at the finding about the failure on the part of the prosecution to make out any case for conviction of the respondents herein. In the circumstances, in the absence of sufficient cause being disclosed for condonation of delay of 47 days as well as there being no case on merits for grant of leave to appeal against the impugned judgment, the application is rejected.

(A.A. Sayed, J.) (R.M.S.Khandeparkar, J.)

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DATED: NOVEMBER 19, 2007

P.C:

In view of rejection of the Criminal Application No.384 of 2007 in Criminal Application No.2109 of 2007, this application stands rejected.

(A.A. Sayed, J.) (R.M.S.Khandeparkar, J.)

sjs/N7ca384.7